



PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Hayato YAMAUCHI

Docket No: Q64784

U.S. Patent Appln. No.: 09/881,108

Group Art Unit: 3682

Confirmation No.: 7294

Examiner: William C. JOYCE

Filed: June 15, 2001

For: PINION SLIP-OFF PREVENTIVE STRUCTURE OF STARTING APPARATUS

PETITION UNDER 37 CFR § 1.181 TO WITHDRAW
AN ERRONEOUS HOLDING OF ABANDONMENT

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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JUL 23 2003

GROUP 3600

Sir:

On behalf of Applicant, the undersigned petitions the Commissioner to withdraw a holding of abandonment of the above-identified Application. A Notice of Abandonment mailed June 17, 2003 states that no reply has been received and that the Application was abandoned for failure timely to file a proper reply to the Office correspondence mailed November 7, 2002.

In fact, on February 7, 2003, Applicant timely submitted a proper and fully responsive Amendment and Request for Approval of Drawing Corrections. A copy of the OIPE stamped Filing Receipt dated February 7, 2003 (a copy if which is submitted herewith) shows the filing of both the Amendment and the Request for Approval of Drawing Corrections.

On July 16, 2003, the undersigned telephoned Examiner Joyce to inquire about the receipt of the documents received and the Examiner stated that the Request for Approval of Drawing Corrections was received but that the Amendment was not received.

DISMISSED AS MOOT
ORIGINAL AMENDMENT IS IN THE FILE
JUL 23 2003

Petition to Withdraw an Erroneous Holding of Abandonment
U.S. Patent Application No. 09/881,108

Q64784

Submitted herewith are the following documents:

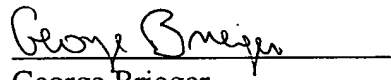
1. The Amendment originally filed February 7, 2003.
2. Stamped Filing Receipt dated February 7, 2003 showing the filing of the Amendment and the Request for Approval of Drawing Corrections.
3. Notice of Abandonment mailed June 17, 2003.

From documents 1-3 it is clear that within three months of the Office Action mailed November 7, 2003, the Amendment was filed in the United States Patent and Trademark Office

In view of the foregoing discussion, it is respectfully submitted that the Application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

A duplicate copy of this transmittal letter is attached.

Respectfully submitted,


George Brieger
Registration No. 52,652

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

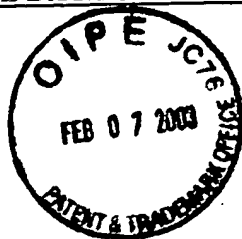
Date: July 18, 2003



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FILING RECEIPT
PLEASE DATE STAMP AND RETURN TO US - BOX 235X

In re application of
Hayato YAMAUCHI
Appln. No.: 09/881,108
Confirmation No.: 7294
Filed: June 15, 2001



Group Art Unit: 3682
Examiner: William C. JOYCE

For: PINION SLIP-OFF PREVENTIVE STRUCTURE OF STARTING APPARATUS
PAPER(S) FILED ENTITLED:

1. Reply Under 37 C.F.R. § 1.111
2. Request for Approval of Drawing Corrections (with two (2) sheets of proposed drawing corrections)

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

DOCKET NO.: Q64784
ATTORNEY/SEC: RCT/GB/cml
Date Filed: February 7, 2003

WASHINGTON OFFICE



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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov



| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/881,108 | 06/15/2001 | Hayato Yamauchi | Q64784 | 7294 |

7590 06/17/2003
SUGHRUE, MION, ZINN
MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

DOCKETED
JUN 19 2003

EXAMINER

JOYCE, WILLIAM C

ART UNIT PAPER NUMBER

3682

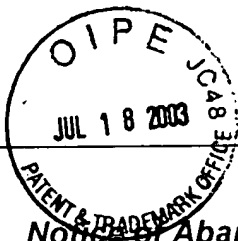
DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

| | |
|------------------|------------------|
| Application No. | Applicant(s) |
| 09/881,108 | YAMAUCHI, HAYATO |
| Examiner | Art Unit |
| William C. Joyce | 3682 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 November 2002.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

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William C. Joyce
Patent Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.